

WAC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jesus CARBAJAL-Ybarra,

Defendant

Magistrate Judge
October 29, 2007 10:33 AM MJ 2524

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA


COMPLAINT FOR VIOLATION OF:

DEPUTY
Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **October 26, 2007** within the Southern District of California, defendant, **Jesus CARBAJAL-Ybarra**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 29th DAY OF OCTOBER, 2007



Louisa S. Porter
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:

Jesus CARBAJAL-Ybarra

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:


On October 26, 2007 Border Patrol Agent H. Beeson was conducting line watch operations in an area known as "Whiskey Ten". Whiskey Ten is approximately three miles west of the port of entry at San Ysidro, California and approximately 50 yards north of the United States/Mexico International boundary. This area is commonly used by illegal immigrants attempting to further their entry into the United States.

At approximately 3:45 P.M. while patrolling the border, Agent Beeson noticed sign for a group of individuals running north from the International Boundary Fence. Agent Beeson followed the sign and after a brief search, located a group of individuals attempting to conceal themselves in some brush. Agent Beeson identified himself as a Border Patrol Agent and queried the group as to their immigration status. All individuals, including the defendant, Jesus CARBAJAL-Ybarra, admitted to being citizens of Mexico illegally present in the United States. All were taken into custody and transported to Imperial Beach Border Patrol Station for processing.

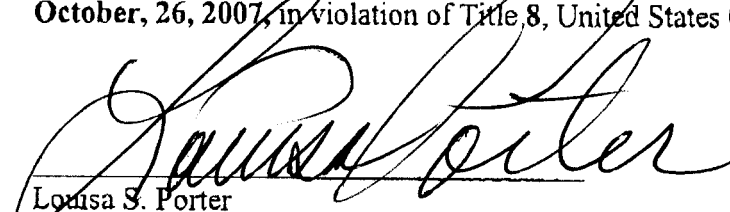
Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on October 5, 2007 through Calexico, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his rights as per the Miranda Warning. The defendant admitted that he understood his rights and agreed to be interviewed without representation. The defendant admitted to being a citizen and national of Mexico illegally present in the United States.

Executed on October 27, 2007 at 9:30 a.m.


Ismael A. Canto
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on October, 26, 2007, in violation of Title 8, United States Code, Section 1326.


Louisa S. Porter

United States Magistrate Judge

10/27/07 11:30 AM
Date/Time

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:


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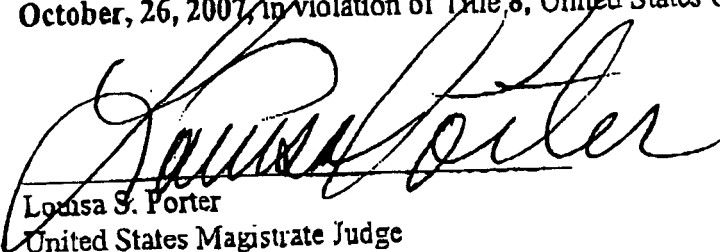
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